1937
[Courts]

File No. 188-37
S.L.No- 31, 36
40, 48-50, 55, 58'

Reciprocal arrangements between the Hyderabad and Mysore States in the matter of extradition of fugitive criminals.

PRESERVED

G. R. S. App. F. IX-4J

1937
~~194~~ -

(45)

File No. 188-37

Serial Nos. 31, 36, 47, 48-50, 55-58

Previous References.

45 188-35-(1-4)
" 183-35-(6-7)

Later References.

" 194-33 (1-6)
" 105-06 (1-16)

Cls 20b-43.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Tem -

Part B for September 1937.

SUBJECT.

Reciprocal arrangements between the Hyderabad and Mysore States in the matter of extradition of fugitive criminals -

Ins.
5 11-42

Extradition arrangements with Hyderabad State

75 a 3/P.

General and Revenue Secretariat | Cls File No. 188 of 1937. | [App. F. III-2

Serial No.

in virtue of the powers vested in them under the last clause in the Schedule.

(8) On the issue of such a notification, the extradition arrangements under the Act would practically be the same as the agreement entered into in 1907. As drawn up by the Hyderabad Resident, the only change would be that the procedure would be as consolidated in chapter II of the Act.

(9) The question of surrendering prisoners confined in the Nizam's Jails has not been specifically referred to in the Hyderabad Residency letter, and we need not raise it now.

BKR 14.7.39

Law Secy

(10) Please put up a draft reply on the above lines. The question of surrender of convicts also may be raised & settled.

Cl. 15/7

BKR 15.7

11) Submitted with a draft

12) BKR 16.7.

Law Secy)

The question of surrender of convicts will be separately worked up and submitted.

NOTE—Contn. Sheet.

BKR/14.7

EGY. LAW DEPT. 339 14 JULY 1939 GOVT OF MYSORE

EGY. LAW DEPT. 24 JULY 1939 GOVT. OF MYSORE

?55

Extradition with Hyderabad

File No. of 193 .

General and Revenue Secretariat.

Serial No.

13) Pl. revise draft as suggested
C
28/10/39 BKR 25.10.39

14) Sd. with a revised draft
CPBR 28/10

15) BKR 30.10.39

16) Law Secy
For approval
1st Member C
1/11/39 BKR 1.11.39

17) DMM
3/11/39

18) Secy 11 (19) DSME BKR 4.11.39

To

The Secretary to the Hon'ble the Resident
No Pol 627 dated 7.11.39
Requests that govt may be favoured
with the views of the Hyderabad State
So far no information has been
received from the Residency in this
matter
Sd. with a draft of a reminder
for orders

Issued No Pol 1591 d 3.6.40

Ks 1.6.40

SECY. LAW DEPT. Mysore 2 OCT. 1939 GOVT OF MYSORE

OFFICE OF THE FIRST MEMBER OF COUNCIL NOV 1 1939 No 4224

TYPING SECTION 6 NOV 1939 REN. & ...

TYPING SECTION 1 JUNE 1940 REN. & ...

4551
C

General and Revenue Secretariat | File No. | of 194 . | [App. F. III-2 .

Serial No.

From

The Secretary to the Hon'ble the Resident

No R7-68-40 Dy 1-2-1941

FEB 4 1941
7856

Requests to be furnished with a Copy of the agreement entered into between the States of Hyderabad in 1900 in the matter of Extradition of criminals.

If approved, a Copy each of the Residency letter Dy 26-4-1907 and this Office letter Dy 16-8-1907 to the Residency may be furnished to the Residency.

X

W

A draft is also put up

May be approved
Secretary 3/2/41

CSM 3/2

S-3-41
4/2

I Member) Hm 2 4/2/41

3 4/2/41

Nil 4/2/41

tm 2 5/2 Jm 3 6/2

Issued No pl 1433 Dy 10-2-41

NOTE—Contn. Sheet.

4551/V 6227.

Extradition arrangements between Mysore and Hyderabad States.

Cts File No. 188 of 1937. | General and Revenue Secretariat

Serial No. 55

From

The Secretary to the Hon'ble the Resident

No R.F. 68-40/Judl Dy 30.4.41.

States that the surrender of fugitive criminals from Hyderabad to Mysore will be in accordance with the principles of the Hyderabad Extradition Act II of 1316 Fasli

Submitted for orders with references.

(34) [It is also for orders as to whether these papers may be submitted to this Legislature before the issue of a Notn in this behalf]

(35) Issue as a Govt Gazette Hyderabad Extradition Act

Recd on 16/6

(36) 16/6

Issued No pol 2139 Dy 17.6.41

Sec A

For Disposal by Circulation. **No. C. 159**

1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Reciprocal arrangements with the Hyderabad State in regard to the extradition of fugitive criminals.

Circulated to the Council of Ministers.

By Order,

Chief Secretary to Government.

21st August 1941.

950 / 21.8.41 **Minister for Finance and Revenue.** 22.8.41

Minister for Law. (Seen)

1441 / 22/8/41 **Minister for Education.** 26.8.41

1170 / 27.8.41 **Minister for Local Self-Government and Public Health.** 28.8.41

SECY. LAW DEPT. 29 AUG. 1941 GOVT OF MYSORE

Law Secy. with Compliments.

29/8

3987

29/8/41

Final Note by the Minister for Law.

Subject.-

Reciprocal arrangements with the Hyderabad State in regard to the extradition of fugitive criminals.

These papers relate to the reciprocal arrangements proposed to be entered into between the Mysore and Hyderabad States in the matter of extradition of fugitive criminals.

According to the existing arrangements, which were entered into with the Hyderabad State in 1907, persons charged with offences which are extraditable under the law in force in British India or punishable with imprisonment of either description for two years or more, under the laws in force in either State relating to Railways, Post Offices and Telegraphs are to be surrendered by one Government on the requisition of the other. Surrenders from one State to the other are till now being regulated in pursuance of these arrangements.

With the enactment of the Mysore Extradition Act VI, 1938, the terms of arrangements mutually agreed upon by us with other Indian States have to be notified in the Mysore Gazette. The Government of Hyderabad were addressed through the Residency in order to ascertain whether the procedure contained in Chapter II of the Mysore Extradition Act and the Rules framed thereunder were acceptable to them. In reply it has been stated that the Government of Hyderabad desire that a notification may issue so that the agreement entered into between the Hyderabad and Mysore States in 1907 may stand in toto and that after the issue of the notification, the Mysore Government may surrender fugitive criminals according to Chapter II of the Mysore Extradition Act, the surrender of fugitive criminals from Hyderabad to Mysore being at the same time governed by the principles of the Hyderabad Extradition Act II of 1316 Fasli.

It is now proposed to issue a Notification as detailed in the

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the reciprocal arrangements with the Hyderabad State in regard to the extradition of fugitive criminals, for His Highness's gracious approval.

N. Madhava Rau

Bangalore,
5th September 1941.

DEWAN.

619 p 41

e 159.

General and Revenue

Secretariat.

SUBJECT :—

Reciprocal arrangements with the Hyderabad State in regard to the extradition of fugitive criminals.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

11/9/41.

1413 / 12.9.41 Minister for Finance and Revenue. 15.9.41

2457 / 12.9.41 Minister for Law. 17/9

1799 / 15.9.41 Minister for Education. 15.9.41

1649 / 16.9.41 Minister for Local Self-Govt. and Public Health. 16.9.41

Law Secy. with compliments.

NOTE.—Contn. sheet

WD 02878—GPB—300—26-6-41

17/9/41

17.9.41

16/9/41

Pol. 1619

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

.R. Dis. No. F. 157-39 Judl. Encl (1).

7593/P

CS 18-37-31

SECRETARIAT. 19. JUN. 1939

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

CHIEF SECRETARY. 16. JUN. 1939 GOVT. OF MYSORE.

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 16th June *1939*.

Interstatal Extradition - Reciprocal arrangements between the Hyderabad and Mysore States for the extradition of accused persons.

Rec'd 20/6

SIR,

I am directed to refer to your letter No.Pol.1466/P, dated the 10th June 1938.

2. I enclose a copy of letter from the Secretary to the Hon'ble the Resident at Hyderabad, No.1508-J/F.254-1939, dated the 17th May 1939. The Resident would be glad to be informed of the position as early as possible.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO THE RESIDENT.

KK

Letter from the Secretary to the Hon'ble the Resident at Hyderabad No.1508-J/F.254-1939, dated the 17th May 1939.

---:0:---

Receiprocal arrangements between the Hyderabad and Mysore States for the extradition of accused persons.

In continuation of my letter No.3057-J, dated the 29th September 1938, I am directed to inform you that H.E.H. the Nizam's Government state that the Extradition Agreement of the 23rd December 1907, arrived at between the Hyderabad and Mysore States provided that accused persons of either State would be surrendered to the State demanding surrender under the Extradition Act in force in British India and that the offences punishable with imprisonment of either description for two years or more under the laws in force in the Hyderabad or Mysore State relating to Railway, Post Offices and Telegraphs will also be extraditable. They add that it was also agreed that if the person whose surrender was asked for was not a subject of the State requisitioning his surrender, special reasons would have to be given.

2. His Exalted Highness' Government presume -

(a) that the agreement entered into with the Mysore Government in 1907 will stand <u>in toto</u>

(b) that a notification under section (3) of the Mysore Extradition Act (Act VI of 1938) regarding the 1907 agreement has been issued by Mysore Government.

(c) that the Notification No.J.219-Legis-14-04-14 dated the 20th July 1907, mentioned in and repealed by section 22 of the Mysore Extradition Act does not refer to the 1907 Agreement with His Exalted Highness' Government.

Page 49 of police Manual Vol II

(d) that the only change made by the Act VI of 1938, is that the procedure regarding extradition has been consolidated in Chapter II and that it does not seem to differ very

much

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 6th November 1939.

No. Rol 627 / 7

From

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

Subject.-Reciprocal arrangements between the Hyderabad and Mysore States in the matter of extradition of fugitive criminals.

With reference to your letter No.R.Dis F 157-39/Judl dated 16th June 1939 on the above subject, I am directed to state as follows:-

(a) In pursuance of the agreement entered into in 1907 with the Hyderabad State, persons charged with offences which are extraditable under the law in force in British India or punishable with imprisonment of either description for 2 years or above under the laws in force in either State relating to Railways, Post Offices and Telegraph are to be surrendered by one Government on the requisition of the other. Chapter II of the Mysore Extradition Act which governs the conditions of surrender of fugitive criminals to Indian States provides for surrender of such persons in respect of extradition offences enumerated in the Schedule thereto which are more or less the same as those embodied in the Schedule to the Indian Extradition Act and no provision has been made in the Mysore Extradition Act for surrenders in respect of offences relating to Railways, Post Offices and Telegraphs. If the Government of Hyderabad desire, so far as that State is concerned, that the latter offences should also be extraditable as before, the Government of Mysore will have no objection to issue the necessary notification in this behalf. With the issue of such a notification, the agreement entered into with the Hyderabad State in 1907 will stand in toto.

(b) No Notification of the kind referred to in para 2 (b) of the Hyderabad Residency letter dated 17th May 1939 has yet been issued

by the Government of Mysore. This will be done after the agreement is finally entered into with the Government of Hyderabad.

(c) Notification No.J.219/Legis 14 -04-14 dated 20th July 19.7 which has since been repealed by Section 22 of the Mysore Extradition Act, related to surrender of persons convicted and confined in the Mysore Jails to British India only and as such the said Notification has no reference to the 1907 agreement with the -- Hyderabad Government. I am also to invite reference to this office letter No.Pol. 292/Cts 183-35-6 dated 31st August 1936 in the matter.

(d) The reciprocal agreement of 1907 with the Hyderabad State is being given effect to under executive authority and with a view to removing the defects attending on such an arrangement and to placing such matters on a proper legal basis the Mysore Extradition Act was enacted and it does not differ very much from the arrangement obtaining till now.

The existing arrangements relating to the conveyance and maintenance of fugitive offenders from and to Hyderabad will continue to remain in force in future.

I am directed to request that the above facts may kindly be communicated to the Government of His Exalted Highness the Nizam of Hyderabad and this Government favoured with the opinion of that State as early as possible.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary to Government
Law Department.

cn-2

Rol 627 dt 7-11-1935

C5188-39-36

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

To

The Secretary to the
Hon'ble the Resident.

Subject:- Reciprocal arrangements between the Hyderabad and Mysore States in the matter of Extradition of fugitive Criminals.

Sir

With reference to Your letter No R Dis F 157-39/Judl Dt 16.6.1939 on the above subject I am directed to State as follows:-

(1) In pursuance of the Agreement entered into in 1907 with the Hyderabad State, persons Charged with Offences which are extraditable under the law in force in British India or punishable with

WD 0436—GPB—10,000—17-10-33

6/4

imprisonment of either description for 2 years or above under the laws in force in either State relating to Railways, Post Offices & Telegraphs are to be surrendered by one Govt on the requisition of the other. Chapter II of the Mysore Extradition Act which governs the conditions of surrender of fugitive criminals to Indian States provides for surrender of such persons in respect of extradition offences enumerated in the Schedule thereto which are more or less the same as those embodied in the Schedule to the Indian Extradition Act and no provision has been made in the Mysore Extradition Act for surrenders in respect of offences relating to Railways, Post Offices and Telegraphs.

If the Govt of Hyderabad desire, as far as their State is concerned, that the latter offences should also be extraditable as before, included in the Schedule so far

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

and it does not differ very much from ~~that~~ the arrangement obtaining till now.

The existing arrangements relating to the conveyance and maintenance of fugitive offenders from and to Hyderabad will continue to remain in force in future.

I am directed to request that the above facts may kindly be communicated to the Govt of H.E.H. the Nizam of Hyderabad and this Govt favoured with the opinion of that State as early as possible.

I have etc

Secretary to Govt
Law Dept

30.10.33

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Ch. 188-37-47

No. ~~R.F.68-40/Jud.~~

Cy 1211

4105

9 JAN. 1941 REV. SECRETARIAT

SECY. LAW DEPT. 9 JAN. 1941 GOVT OF MYSORE

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Dated Bangalore, the 8th January *1941*.

INTERSTATAL EXTRADITION - RECIPROCAL ARRANGEMENTS BETWEEN THE HYDERABAD AND MYSORE STATES FOR THE EXTRADITION OF ACCUSED PERSONS.

SIR,

I am directed to refer to your letter No.Pol.627/Cts. 188-39-36, dated the 7th November 1939, and to say that His Exalted Highness the Nizam's Government request the issue of the notification mentioned in paragraph (a) of your letter under reference, so that the agreement entered into between the Hyderabad and Mysore States in 1907 may stand in toto. They add that after the issue of the notification, the Mysore State can surrender fugitives according to Chapter II of the Mysore Extradition Act, 1938.

I have the honour to be,

Sir,

Your most obedient servant,

SECRETARY TO THE RESIDENT.

BJ

Pol 1024 d 23.1.41
Cb. 188-37-48

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

To

The Secretary to the
Hon'ble the Resident

Sir

With reference to correspondence ending with your letter NO R. F. 68-40 | Judl Dy 8.1.1941 re. the reciprocal arrangements between the States of Hyderabad and Mysore for the extradition of fugitive criminals, I am directed to state that it is not clear as to how the surrender of accused persons from Hyderabad to Mysore will be arranged and to request that, if there is no objection, this Govt may kindly be favoured with further information as to whether the Govt of H.E.H. The

WD 0280—GPB—22,500—14-3-38

Nizam of Hyderabad propose to arrange for the surrender of fugitive criminals from Hyderabad to Mysore in accordance with the principles of the Indian Extradition Act or the Hyderabad Extradition Act.

On receipt of this information necessary notification will be issued in the matter of giving effect to the agreement ~~entered~~ entered into between the two States in 1907.

I have etc

to

Secy to Govt
Law Dept

Ch. 188-37-48.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 23rd January 1941.

No. L.1074

From

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore.
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

With reference to correspondence ending with your letter No. R.F. 68-40/Judl., dated 8th January 1941 regarding the reciprocal arrangements between the States of Hyderabad and Mysore for the extradition of fugitive criminals, I am directed to state that it is not clear as to how the surrenders of accused persons from Hyderabad to Mysore will be arranged and to request that, if there is no objection, this Government may kindly be favoured with further information as to whether the Government of His Exalted Highness the Nizam of Hyderabad propose to arrange for the surrender of fugitive criminals from Hyderabad to Mysore in accordance with the principles of the Indian Extradition Act or the Hyderabad Extradition Act.

On receipt of this onformation necessary Notification will be issued in the matter of giving effect to the agreement entered into between the two States in 1907.

I have the honor to be,
Sir,
Your most obedient servant,

B Bowles

for Secretary to Government,
Law Department.

Cts. 188-37-49 Pol 2090

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

4557

No. R.F.68-40/Judl.

SECY. SECRETARIAT BRANCH. 3 FEB. 1941

SECY. LAW DEPT. To 1 FEB. 1941 GOVT OF MYSORE

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Dated Bangalore, the 1st Feb ~~Jany~~. 1941.

Interstatal Extradition - Reciprocal arrangements between the Hyderabad and Mysore States for the surrender of fugitive criminals.

SIR,

I am directed to refer to your letter No.Pol. 1074/Cts.188-37-48, dated the 23rd January 1941. Will you please let me have a copy of the agreement entered into between the Hyderabad and Mysore States in 1907 ? It is not readily available in this Residency.

I have the honour to be,
Sir,
Your most obedient servant,

Macaulay.

SECRETARY TO THE RESIDENT.

BJ

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Rof 1433 Elo2 d 10. 2. 1941

To

The Secretary to the
Hon'ble the Resident

Subject:- Reciprocal arrangements between the Govts of Hyderabad and Mysore for the surrender of fugitive criminals.

Sir

With reference to your letter NO R.F. 68-40/Jud Dt 1.2.1941, I am directed to forward herewith a copy each of the letter cited in the margin on the subject

I have etc

Secy to Govt
Law Dept

(1) Letter NO 3360 Dt 26.4.1907 from the First Assistant to the Hon'ble the Resident in Mysore to the Dewan of Mysore X

(2) Letter NO Pol. 158/Cts 105-06 -11 Dt 16-8-1907 from the Secretary to Govt of Mysore to the First Asst to the Hon'ble the Resident W

WD 0280—GPB—22,500—14-3-38

Cb. 188-37-50

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 10 February 1941.

No. Pol 1433 Ed 42

From

The ~~Chief~~ Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

Subject:- Reciprocal arrangements between the Governments of Hyderabad and Mysore for the surrender of fugitive Criminals.

With reference to your letter No. R.F. 68-40/Judl. dated 1st February 1941, I am directed to forward herewith a copy each

1. Letter No. 3340, dated 26th April 1907 from the First Assistant to the Hon'ble the Resident in Mysore to the Dewan of Mysore.
2. Letter No. Pol.158/Cts.105-06-11, dated 16th August 1907 from the Secretary to Government of Mysore to the First Assistant to the Hon'ble the Resident.

) of the letters (cited in the margin) on the subject.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary, to Government,
Law Department.

Cb. 188-37-55

6227/940

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No.R.F. [illegible]/Judl.

Cy Pol 2739

2 - MAY 1941

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Dated Bangalore, the 30th April *1941.*

Interstatal Extradition - Reciprocal arrangements between the Hyderabad and Mysore States.

SIR,

I am directed to refer to your letter No.Pol. 1074/Cts.188-37-48, dated the 23rd January 1941, and to say that His Exalted Highness the Nizam's Government have intimated that the surrender of fugitive criminals from Hyderabad to Mysore will be in accordance with the principles of the Hyderabad Extradition Act II of 1316 Fasli.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

BJ

Cs 788-37-56

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated Bangalore, 17.6.41

No. Pol. 2139

FROM

H.V. Narayana Rao, Esquire, B.A., LL.B.,
Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

INTERSTATAL EXTRADITIO N -- RECIPROCAL ARRANGEMENTS BETWEEN THE HYDERABAD AND MYSORE STATES.

Sir,

With reference to the correspondence ending with your letter No. R.F. 68-40/Judl. dated the 30th April 1941 on the above subject I am directed to request that a copy of the Hyderabad Extradition Act may kindly be forwarded to this office as early as possible.

I have the honor to be,
S i r ,
Your most obedient servant,

Secretary to Government,
Law Department.

P.H.

619 Pol 41

Pol 192

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. R.F.68-40
Judl.

C/- 188-37-57

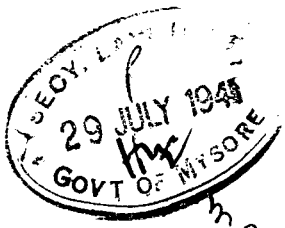
FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Dated Bangalore, the 29th July *1941*.



Interstatal Extradition - Reciprocal arrangements between the Hyderabad and Mysore States.

SIR,

I am directed to refer to your letter No.Pol. Rev K 2139/Cts.188-37, dated the 17th June 1941, and to enclose a copy in English of the Hyderabad Extradition Act II of 1316 Fasli.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to the Resident.

THE HYDERABAD EXTRADITION ACT

No. II of 1316 Fasli.

The Hyderabad Extradition Act.

No. II of 1316 Fasli.

AS AMENDED BY ACT NO. IV OF 1316 FASLI.

(Received the assent of H. E. the Minister on the 24th Farwardi 1316 Fasli.)

Preamble.

WHEREAS it is expedient to frame a comprehensive law on the subject of extradition of criminals; It is hereby enacted as follows:—

Short title, and commencement.

1. This Act may be called "The Hyderabad Extradition Act;" and it shall come into force on the first day of Khurdad 1316 Fasli.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

Offence.

The word "offence" includes any act, no matter where it is done, which, if done in His Highness' Dominions, would have constituted an offence;

Extraditable Offence.

The expression "extraditable offence" means any one of the offences named in the schedule hereto annexed, or any other offence which His Excellency the Minister may, by notification, declare to be extraditable.

Requisition for surrender.

3. (i) Whenever a requisition is made by the British Government for the surrender of any accused person, who, under the Extradition Treaty, is liable to be so surrendered, and who, after committing an extraditable offence in the British Territory, is, or is suspected to be, in His Highness' Dominions, His Excellency the Minister shall consider the evidence of criminality accompanying such requisition.

Order of Extradition.

(ii) If, upon such evidence, His Excellency is of opinion that the person is *prima facie* guilty of an extraditable offence and ought to be surrendered under the Extradition Treaty. His Excellency shall issue an order for the arrest of such offender, to the District Magistrate, within

whose local jurisdiction the accused is believed to be, and mention therein the place where, and the person to whom, the accused is to be delivered.

If, however, in His Excellency's opinion, the evidence referred to in sub-section (i) be insufficient, further evidence might be called for.

Execution of Warrant

(iii) The District Magistrate shall issue a warrant for the arrest of the accused; the said warrant shall be executed in the manner provided by the Code of Criminal Procedure; and, the accused, when arrested, shall be forwarded to the place and delivered to the person mentioned in the order of His Excellency.

Execution of orders when accused, is in Paigah. etc., jurisdictions.

(iv) When the accused happens to be within the jurisdiction of any Paigah or Jagir or Samasthan invested with judicial powers, the said order shall be addressed to the Secretary to such Paigah, Jagir or Samasthan, or to such other proper person, who shall cause the accused, when arrested, to be forwarded to the place and delivered to the person named in the said order.

Release of accused on taking bond and security.

4. (i) Where the offence in respect of which a warrant under section 3, sub-section (3) is issued, is bailable, the warrant shall direct that the person to be arrested thereon shall, when arrested, be released from custody, if he executes a bond, with such security as the District Magistrate may fix, for his attendance before the person, and at the time and place, named in the warrant.

(ii) When an accused person is so released from custody, the District Magistrate shall certify the fact to His Highness' Government, who shall give intimation of the same to the British authorities.

(iii) If the person, who has executed a bond under sub-section (1), commits default, the District Magistrate may issue a warrant directing that such defaulter be re-arrested and delivered to the person named in the order referred to in section (iii), sub-section (ii).

(iv) In cases of bond and security under this section, the District Magistrate may exercise, the powers conferred by the Code of Criminal Procedure as regards the accepting of cash deposits in lieu of recognizances, the recovering of amounts of forfeited bonds and the discharging of sureties.

When Magistrate may issue warrant of arrest.

5. (i) Whenever it appears to any Magistrate of the First Class, or any Magistrate specially empowered by Government in this behalf, that a person within the local limits of his jurisdiction is a fugitive criminal of British Territory, liable to be surrendered under the Extradition Treaty, he may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the crime had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported to Government.

(ii) The Magistrate shall forthwith report the issue of a warrant under sub-section (i) to Government.

Accused not to be detained more than two months.

(iii) A person arrested on a warrant issued under sub-section (i), shall not be detained for more than two months without the special sanction of His Excellency the Minister, unless within that period the Magistrate receives an order under section (3), sub-section (ii).

Bail.

(iv) In the case of a person arrested or detained under this section the provisions of the Code of Criminal Procedure relating to bail shall apply in the same manner as if such person were accused of committing in His Highness' territory, the offence with which he is charged.

Detention of accused when lawful.

6. It shall be lawful for any person, to whom a warrant is directed in pursuance of the above sections, to arrest, hold in custody, and convey the accused mentioned in the warrant, to the place named in the warrant.

Re-arrest.

If such accused escapes out of any custody to which he may be delivered under such warrant, he may be re-arrested as a person committing an offence in His Highness' territory, may be re-taken on an escape.

7. The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply to cases in which a warrant under the foregoing sections is issued by a Magistrate.

Surrender of persons accused or undergoing sentence for offences in His Highness' territory.

8. (i) A person, accused of an offence committed in His Highness' territory not being the offence for which his surrender is asked or undergoing sentence under any conviction in His Highness' territory, shall not be surrendered except on the condition that such person be re-surrendered to His Highness' Government on the termination of his trial for the offence for which his surrender has been asked.

Provided that no such condition shall be deemed to prevent or postpone the execution of a sentence of death lawfully passed.

Suspension of sentence in cases of surrender.

(ii) On the surrender of a person, undergoing sentence under a conviction in His Highness' territory as mentioned in sub-section (i), the sentence shall be deemed to be suspended (from the date of his delivery) until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

Law to extend to persons previously convicted.

9. The provisions of this Act with reference to accused persons, shall, with any necessary modifications, apply to the case of persons who, having been convicted of any offence by courts in the British territory, escapes into or is found in His Highness' Dominions before his sentence has expired.

Minister may cancel warrants, etc.

10. His Excellency the Minister may by order stay any proceedings taken under the above sections; and may direct any warrant issued under the above sections to be cancelled, and the person arrested on such warrant be discharged.

Law to have retrospective effect

11. The provisions of this Act shall apply to offences committed before the passing of this Act and to offences in respect of which His Highness' Courts have a concurrent jurisdiction.

What documents to be admissible as evidence.

12. In proceeding under this Act, depositions, documents and other material evidence (whether taken or exhibited in the presence of the accused or not) and copies, thereof, and official certificates of facts and judicial documents stating facts may, if duly authenticated, be received as evidence.

Authentication of documents, etc.

(ii) Warrants, depositions or statements on oath purporting to have been issued or taken by any court in British territory, and certificates of or judicial records shewing, previous convictions of any person by such court, shall be deemed duly authenticated in the following cases—*viz*;

(*a*) if the warrant appears to have been signed by an officer of the British Government;

(*b*) if the depositions or statements on oath or copies thereof purport to be certified by an officer of the British Government to be the original depositions or statements or to be true copies thereof.

(*c*) if the certificate of or judicial document stating the fact of a conviction by a court, appears to have been signed by an officer of the British Government;

(*d*) if the warrants, depositions, copies, certificates, and judicial documents are authenticated by the oath of some witnesses; or by the official seal of the Hon'ble the Resident in token of their authenticity.

(iii) For the purposes of this section, "warrant" includes every judicial document authorising the arrest of any person accused or convicted of an offence.

Minister's power to make rules.

13 (i) His Excellency the Minister may, by notification, make rules to carry out the purposes of this Act.

(ii) Such rules may, among other matters, provide for—

(*a*) The removal of persons in custody under this Act, from one place to another, and their control and maintenance;

(*b*) The seizure and disposition of property required in connection with any offences under this Act;

(*c*) The pursuit and arrest, in His Highness' territory, of persons accused of offences committed outside the said territories.

(*d*) The procedure and practice to be observed in extradition proceedings.

Detention of persons arrested under section 38 (7) of Code of Cr. Pro.

14. Notwithstanding anything in the Code of Criminal Procedure, any person arrested, without a warrant and without an order from a Magistrate, in pursuance of the provisions of section 38, clause (7) of the said Code, may, under the orders of a Magistrate, within the local limits of whose jurisdiction such arrest was made, be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued under section 5 of this Act.

Law not to affect Extradition Treaty.

15. Nothing contained in this Act shall affect the provisions of any treaty relating to the extradition of offenders, which has been, or may hereafter be, concluded between the British Government and the Government of His Highness the Nizam, or the rules or procedure as to extradition of offenders in force in those areas in His Highness' territory, over which criminal jurisdiction has been ceded to the British Government.

SARBALAND JUNG,

Offg. Secretary.

THE SCHEDULE.

Extraditable Offences.

		Hyd. Pen. Code Section No.	I. P. Code Section No.
1	Waging or attempting to wage war, or abetting or conspiring waging of war ...	85	121
2	Counterfeiting coin ...	92	231
3	Delivery of counterfeit coin as genuine ...	96	239
4	Culpable homicide ...	217	299
5	Murder ...	218	300
6	Attempt to murder ...	224	307
7	Thuggi ...	225	310
8	Grievous hurt ...	234	320
9	Criminal force ...	252	350
10	Kidnapping ...	259 & 260	360 & 361
11	Abduction ...	361	362
12	Rape ...	269	375
13	Cattle-lifting ...	272	378
14	Theft of property worth more than hundred rupees ...	272	378
15	House-breaking with theft ...	272 & 325	378 & 445
16	Robbery ...	282	390
17	Dacoity ...	253	391
18	Criminal breach of trust ...	296	405
19	Dishonestly receiving property known to have been acquired by dacoity, robbery or house-breaking ...	201 & 202	410 & 411
20	Mischief by fire ...	320	435 & 436
21	House-breaking ...	325	445
22	Forgery, making a false document, and using forged document as genuine ...	342 & 346	463, 464, 470 & 471
23	Abetment of above-mentioned offences ...	14	107

SARBALAND JUNG,

Offg. Secretary.

C/S 188-37-58

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1399/CS 188-37-58
& 24/23/9/41

Notification.

It is hereby published for general information that the Governments of His Highness the Maharaja of Mysore and His Exalted Highness the Nizam of Hyderabad have agreed with effect from the date of this Notification to act upon a system of strict reciprocity (for) the extradition of fugitive criminals in accordance with the following conditions:-

The extradition of fugitive criminals to the Hyderabad State from Mysore will be regulated by the provisions of the Mysore Extradition Act VI of 1938 and the Rules thereunder, and the surrender of fugitive criminals by the Government of His Exalted Highness the Nizam of Hyderabad to the Government of His Highness the Maharaja of Mysore will be arranged in accordance with the principles of the Hyderabad Extradition Act II of 1316 Fasli.

It has been further agreed that persons charged with offences which are extraditable under the law in force in British India or punishable with imprisonment of either description for two years or ~~above~~ more under the Laws in force in either State relating to Railways, Post Offices

and Telegraphs are to be surrendered by one Government on the requisition of the other.

By Order,

19.9.41

Secretary to Government.
Law Department.

To--The Compiler, Mysore Gazette, for publication in Part III of Gazette with a request that 250 copies of the Notification may be furnished to Government.

no. P 1400-8
dt 24-9-41

Copy to (1) The District Magistrates of Districts.

TN)

No. P/1399 Ch/188-37-58 & 24-9-41

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

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WD 0280—GPB—22,500—14-3-38

Rules thereunder and the Surrender of fugitive Criminals by the Govt of H.E.H. the Nizam of Hyderabad to the Govt of H.H. The Maharaja of Mysore will be arranged in accordance with the principles of the Hyderabad Extradition Act II of 1316 Fasli.

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